

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>GENERAL REFRACTORIES COMPANY</b>	<b>:</b>	<b>CIVIL ACTION</b>
	<b>:</b>	
<b>v.</b>	<b>:</b>	
	<b>:</b>	
<b>FIRST STATE INSURANCE CO., et al.</b>	<b>:</b>	<b>NO. 04-3509</b>

**ORDER**

**AND NOW**, this 11<sup>th</sup> day of June, 2015, upon consideration of the parties' respective papers and the record,<sup>1</sup> it is hereby **ORDERED** that a decision on the "Motion for Declaratory Relief" (doc. no. 647), which was submitted by Plaintiff, General Refractories Company ("GRC"), is **DENIED**, without prejudice to plaintiff's right to renew the motion, under Fed. R. Civ. P. 50(a), for judgment as a matter of law, raising the legal question of estoppel and waiver presented by GRC's motion for summary judgment, as defined in the Memorandum that accompanies this Order, at the close of the evidence at the trial scheduled for July 13, 2015.

BY THE COURT:

s/L. Felipe Restrepo  
L. FELIPE RESTREPO  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup> Plaintiff's Motion and Brief (ECF document nos. 647, 647-1); Declaration of Michael Conley, dated May 1, 2015 (doc. no. 657), with Exs. A-K (doc. nos. 657-1 through 657-11); Affidavit of Michael Conley, dated Apr. 17, 2015 (doc. no. 646), with Exs. 1-8 (doc. nos. 646-1 through 646-8); Affidavit of Michael Conley, dated Sept. 16, 2011, with Exs. 1 and 2 (doc. no. 364); and Defendant's Response (doc. no. 652), with Exs. 1 and 2 (doc. nos. 652-1 through 652-2).